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Section III (Remarks)**A. Summary of Amendment to the Claims**

By the present Amendment, Claims 5, 59, and 60 have been amended to be in the proper form for multiple dependent claims. Claims 44 and 46-48 have been amended to depend from Claim 28, to facilitate rejoinder after the composition claims are allowed. Claim 58 has been cancelled.

The amendments made herein are fully consistent with and supported by the originally-filed disclosure of this application. No new matter within the meaning of 35 U.S.C. §132(a) has been introduced by the foregoing amendments.

B. Objections to the Specification and Claims

Claims 5, 59, and 60 were objected to as being in improper form. As amended, these claims are in the proper form.

The status identifier for Claims 49 and 52 was objected to. The status identifiers have been changed, as suggested by the Examiner.

The Abstract of the disclosure was objected to for including treatment methods (regimens), now that the claims are limited to compositions. The Abstract has been amended to refer to compositions, even though Applicants respectfully request the Examiner to consider rejoinder once the Examiner has determined that the claimed compositions are allowable.

The specification was objected to for purportedly failing to provide proper antecedent basis for the subject matter of Claim 58. Claim 58 has been cancelled.

The amendments address each ground of objection, and, accordingly, Applicants respectfully request that the objections be withdrawn.

C. Rejections under 35 U.S.C. 112, First Paragraph

Claim 58 was objected to as failing to comply with the written description requirement. While not acquiescing to the propriety of the rejection, to facilitate prosecution, Applicants have cancelled Claim 58, thus mooted this ground of rejection.

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D. Rejections under 35 U.S.C. 103 (a)

Claims 1-5, 49 and 52-58 were rejected under 35 U.S.C. 103 (a) as obvious over U.S. 2004/0106590 to Eisenstein ("Eisenstein") in view of Remington's Pharmaceutical Sciences. Claim 58 has been cancelled, thus mooted the rejection of this claim.

As indicated in the Office Action, the present invention is afforded an effective date of September 23, 2003. Eisenstein was filed on August 29, 2003, and published on June 3, 2004. Eisenstein claims priority to U.S. Provisional Application Nos. 60/444,570, filed on Feb. 3, 2003, and 60/406,873, filed on Aug. 29, 2002.

Eisenstein was published after the filing date of the instant application, and thus is not available as prior art under 35 U.S.C. 102 (a) or (b). At the time of invention, Eisenstein was also subject to an obligation of assignment to the same entity as the instant application, so is not available as prior art under 103 (c).

Since the primary reference in the obviousness rejection is not available as prior art, Applicants respectfully request that the rejection under 35 U.S.C. 103 be withdrawn with respect to Claims 1-5, 49 and 52-57.

CONCLUSION

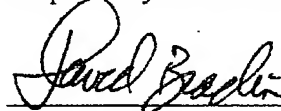
As amended, all pending composition claims are patentably distinguished over the art, and are in form and condition for allowance. The examiner is requested to favorably consider the foregoing, and to responsively issue a Notice of Allowance.

The Examiner is also encouraged to favorably consider rejoining one or more method claims, provided such are amended to include the limitations of one or more allowed composition claims. To facilitate rejoinder, Claims 44 and 46-48 have been amended to depend from composition Claim 28. As the claimed methods require the use of novel and non-obvious compositions, the claimed methods are also novel and non-obvious.

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If the Examiner is not inclined to permit rejoinder of one or more of the method claims, the Examiner is encouraged to contact the undersigned Applicants' representative at (919) 419-9350 to authorize an Examiner's amendment to cancel the method claims in order to facilitate issuance of a Notice of Allowance.

Respectfully submitted,



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